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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ABIGAIL WINGATE,	)	Case No. C07-00965 TEH
	)	
Plaintiff,	)	<b>STIPULATED DISMISSAL AND</b>
	)	<del><b>PROPOSED</b></del> <b>ORDER</b>
vs.	)	
	)	
ENERGY INVESTORS FUNDS GROUP,	)	
LLC LONG-TERM DISABILITY PLAN,	)	
	)	
Defendant.	)	

Plaintiff ABIGAIL WINGATE (“Plaintiff”) and Defendant ENERGY INVESTORS FUNDS GROUP LLC LONG-TERM DISABILITY PLAN (“Plan”) (referred to collectively as the “parties”) have reached a resolution of this matter. The parties agree to dismiss this action in its entirety with prejudice, pursuant to Fed.R.Civ.P. 41(a). Each party shall bear its own fees and costs.

Plaintiff and Plan agree and stipulate that the United States District Court for the Northern District of California shall retain jurisdiction in this matter for the purpose of enforcing this Agreement.

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1 Dated: September 27, 2007

LEWIS, FEINBERG, LEE,  
RENAKER & JACKSON, P.C.

2 By: /s/  
3 Michelle Roberts  
4 *Attorneys for Plaintiff*

5 Dated: September 27, 2007

WILSON, ELSE, MOSKOWITZ,  
EDELMAN & DICKER LLP

6 By: /s/  
7 Sean Nalty  
8 *Attorneys for Plan*

9 I, Michelle Roberts, attest, pursuant to General Order No. 45, Rule X, that Sean Nalty  
10 concurred in the filing of this document.

11 Date: September 12, 2007

12 s/Michelle Roberts  
13 Michelle Roberts

14 The Court hereby dismisses this action with prejudice. The Court reserves continuing  
15 jurisdiction over this case for disputes regarding the implementation, enforcement, construction,  
16 and interpretation of the Settlement Agreement.

17 **SO ORDERED.**

18 Date: 09/28/07

HONORABLE THELTON HENDERSON  
U.S. DISTRICT COURT JUDGE

